



3. Counsel for the Parties met and conferred and then assented-to Plaintiff's Motion to Continue Trial (See *Dkt. No. 159*) and they also filed a Joint Motion to Continue Pre-trial submissions (See *Dkt. No. 161*) (the "Continuance Motions"). The Continuance Motions acknowledged the anticipated filing of a Suggestion of Death for Mr. Berylson, and in accord with Fed. R. Civ. P. 25(a)(1), a timely Motion to Substitute a new Plaintiff for Mr. Berylson. This Court allowed the Continuance Motions. (See *Dkt. Nos. 160* and *162*, respectively)

4. On August 14, 2023, Mr. Berylson's Formal Suggestion of Death was filed with this Court. See *Dkt. No. 165*. Thereafter, on that same date, this Court sua sponte stayed this case in the circumstances.

5. Pursuant to the Letters of Authority for Personal Representative, Mrs. Berylson has duly qualified and is now acting as the personal representative of Mr. Berylson, the above-named and now deceased co-plaintiff of record.

6. On September 29, 2023, Amy Smith Berylson, by and through counsel, submitted a Motion to Substitute, *Dkt. No. 169*, setting forth the above grounds for substitution as Plaintiff in this action. On October 2, 2023, the Court entered its Order granting Mrs. Berylson's Motion to Substitute Party, stating, "Amy Smith Berylson, as Personal Representative of the Estate of John G. Berylson added. John G. Berylson terminated." See *Dkt. No. 170*.<sup>1</sup>

7. This action is one for compensatory relief arising out of the design and construction of the Berylsons' marital home, and the counterclaims against Mr. Berylson are not

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<sup>1</sup> Although the allowance of Mrs. Berylson's Motion to Substitute herself, in her capacity as Personal Representative, in place of Mr. Berylson arguably acted as a total substitution in this action, the Court's electronic docket report currently shows Mrs. Berylson as Personal Representative of the Estate of John G. Berylson as "Defendant" only. 1100 is filing this motion to preserve any rights should it be necessary.

extinguished by his death as the co-defendant-in-counterclaim of record. Amy Berylson, Personal Representative of the Estate of John G. Berylson, should be duly substituted as Defendant-in-Counterclaim in order to serve as co-defendant-in-counterclaim in this action with Mrs. Berylson, personally.

**WHEREFORE**, 1100 Architect, P.C. and David Piscuskas respectfully move this court, pursuant to Fed. R. Civ. P. 25(a)(1), for an order substituting as Plaintiff, Amy Smith Berylson, Personal Representative of the Estate of John G. Berylson, for deceased Plaintiff John G. Berylson, as the new co-defendant-in-counterclaim in this action.

Respectfully Submitted,

The Defendants,  
1100 ARCHITECT, P.C., and  
DAVID PISCUSKAS,

/s/ Paul T. Muniz  
Paul T. Muniz, Esq. (BBO # 564786)  
[paul.muniz@lewisbrisbois.com](mailto:paul.muniz@lewisbrisbois.com)  
Barry S. Rothschild, Esq. (BBO # 689058)  
[barry.rothschild@lewisbrisbois.com](mailto:barry.rothschild@lewisbrisbois.com)  
Pierre C. Youssef, Esq. (BBO # 706018)  
[pierre.youssef@lewisbrisbois.com](mailto:pierre.youssef@lewisbrisbois.com)  
LEWIS BRISBOIS BISGAARD & SMITH, LLP  
One International Place, Suite 350  
Boston, MA 02110  
Tel: 857.313.3950

**CERTIFICATE OF SERVICE**

I, Paul T. Muniz, hereby certify that, on this 13<sup>th</sup> day of November, 2023, I caused a true and correct copy of the foregoing document to be served upon counsel of record herein via the Court's electronic filing system in accordance with the applicable rules of the Court.

/s/ Paul T. Muniz  
Paul T. Muniz